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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,739	01/24/2002	Masaaki Nishino	01USFP710-K.N.	4250
21254	7590	05/16/2006	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			SHANKAR, VIJAY	
			ART UNIT	PAPER NUMBER
			2629	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/053,739	NISHINO, MASAAKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	VIJAY SHANKAR	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 February 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9, 12-14, 16-19, 21, 22 and 24-26 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9, 12-14, 16-19, 21, 22 and 24-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5, 8-9, 16-17, 19, 21-22, 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Howard (US 2002/0024500 A1).

Regarding Claims 1, 16, 22, and 24, Howard teaches a computer system (Fig.1; Paragraph 0027) comprising: a display screen (Fig.1; Paragraph 0027); a pointing device including a position indicating button thereon, the position indicating button being actuatable to emit a beam of light and to output a position indication allowing signal (Fig.1-3; Paragraph 0027-0032); a position detecting unit detecting a position where the beam contacts the display screen (Fig.1-3; Paragraph 0027-0032); and a processing unit controlling display of a cursor on the display screen, the processing unit being responsive to the single action of actuation of the position indicating button to move the cursor to and to fix the cursor at the detected position in response to the position indication allowing signal. (Fig.1-3; Paragraph 0027-0032, 0036-0039, 0046-0049).

Regarding Claims 2,17,25, Howard teaches the computer system wherein the pointing device emits the beam only when the position indicating button is actuated. (Fig.1-3; Paragraph 0027-0032).

Regarding Claims 5 and 19, Howard teaches the computer system wherein the position detecting unit detects the position based on a scattered portion of the beam being scattered by the display screen. (Fig.1-3; Paragraph 0027-0032).

Regarding Claims 8 and 9,26, Howard teaches the computer system wherein the pointing device includes an LED (Light Emitting Diode) that emits the beam, and the pointing device includes a laser that emits the beam. (Fig.1-3; Paragraph 0027-0032).

Regarding Claim 21, Howard teaches the method further comprising: displaying a figure on the display screen, and selecting the figure in response to a click of a click button provided for the pointing device . (Fig.1-3; Paragraph 0027-0032).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4, 6-7, 12-14, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard (US 2002/0024500 A1) in view Wu (5,793,353).

Regarding Claims 12-14, Howard does not teach the computer system comprising a cable connected to the pointing device, wherein the position indication allowing signal is transmitted through the cable, the processing unit displays a figure on the display screen, and wherein the pointing device further includes a click button thereon, and wherein the figure is selectable by a click of the click button when the figure is pointed by the cursor, and further comprising a cable connected to the pointing device, wherein the pointing device outputs a click signal in response to the click of the click button, and wherein the processing unit causes the figure to be selected in response to the click signal, and wherein the position indication allowing signal and the click signal are transmitted through the cable.

Wu teaches the computer system comprising a cable connected to the pointing device, wherein the position indication allowing signal is transmitted through the cable (5 in fig.1), the processing unit displays a figure on the display screen, and wherein the pointing device further includes a click button thereon, and wherein the figure is selectable by a click of the click button when the figure is pointed by the cursor, and further comprising a cable connected to the pointing device, wherein the pointing device outputs a click signal in response to the click of the click button, and wherein the processing unit causes the figure to be selected in response to the click signal, and wherein the position indication allowing signal and the click signal are transmitted through the cable (Figs. 1-2; Summary; Column 3, line 42- Col.4, line 35).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teaching of Wu into Howard for providing a cable coupling the pointing device, so the pointing device would not get lost, since it will be connected to a cable .

Regarding Claims 3 and 18, Wu teaches the computer system wherein the display screen is a CRT display, and the computer system wherein the display screen includes an LCD and wherein the position detecting unit detects the position based on a transmitting portion of the beam transmitting through the LCD (Fig.1; Col.3, lines 42-60).

Regarding Claims 4 and 6, Wu teaches the computer system wherein the position detecting unit includes: a plurality of photodetectors arranged in rows and columns, each of which outputs a beam detection signal in response to the transmitting portion of the beam, and a processing unit determining the position in response to the beam detection signals. (Fig.1-2; Column 1, line 56- Col.4, line 35).

***Response to Arguments***

5. Applicant's arguments filed 2-24-2006 have been fully considered but they are not persuasive.

Applicant argues that Howard's display does not have a cursor. However, Howard teaches display does have a cursor (see Paragraph 30-37).

Applicant argues that Howard does not teach moving the cursor based on the position on the display contacted by the light. However, Howard teaches moving the cursor based on the position on the display contacted by the light (see Paragraph 37-38).

Applicant argues that Howard does not teach the pointing device to point to a position on the display screen and to move a cursor to the pointed position. However, Howard teaches the pointing device to point to a position on the display screen and to move a cursor to the pointed position (see Paragraph 30-38).

Applicant argues that Wu does not teach moving the cursor based on the position on the display contacted by the light from the position indicator. However, Wu teaches moving the cursor based on the position on the display contacted by the light from the position indicator (see Fig.1; Column 3, lines 36-67).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is (571) 272-7682. The examiner can normally be reached on M-F 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIJAY SHANKAR  
Primary Examiner  
Art Unit 2673

VS